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BOOK REVIEWS.

THE AMERICAN DOCTRINE OF JUDICIAL SUPREMACY. By Charles Grove Haines, Ph. D., New York: The Macmillan Co., 1914.

To the lawyer bred in the common law, American constitutional law is not a congenial subject. It is, in fact, not law at all, but applied politics. The civilians would have revelled in it—interminable discussions in which a few ironcast phrases are pondered, weighed, twisted and turned, so that first they are proved to mean tweedledum and then they are shown to mean tweedledee. This is true not only of its “principles” but of its entire structure. Whether the courts should have the right to say the legislature has overstepped its powers, or the legislature should have the right to construe the Constitution as it pleases, is another of the questions upon which mere argument can come to no conclusion. Chief Justice Marshall was convinced, on principle, that the courts should have the last word; Chief Justice Gibson appeared to be equally convinced it should rest with the legislature. But constitutional law is not a matter of principle, but of expediency, and it is expediency which, in the end, settles these controversies. The history of what Dr. Haines calls the American doctrine of judicial supremacy accordingly synchronizes with the political history of the country, and in his book he follows it up hill and down dale to show that at one time one view was predominant, and at another the other. Dr. Haines refutes the latter-day impression that the early federal courts usurped the right to declare statutes unconstitutional, by an imposing array of precedents from colonial courts. His book concludes with an analysis of the present discontent with the judiciary—a symptom from which he might well have drawn the historical inference that we are entering upon another era of “legislative supremacy” similar to that he describes as covering the middle decades of the nineteenth century. Written in somewhat journalistic carelessness of style, although amply fortified with authorities, the work bears many evidences of hurried composition which it is to be hoped will be removed from a future edition.

S. R.

THE CHANGING ORDER. George W. Wickersham, Sometime Attorney-General of the United States. G. P. Putnam's Sons, New York and London, The Knickerbocker Press, 1914.

The thirteen essays in this collection, written by a prominent and widely known member of the New York bar, are the product of the author's work as Attorney-General of the United States, during a period of readjustment between the government and industrial organizations, and naturally deal mostly with questions of government, monopoly and education. The volume includes discussions on the decisions of the Supreme Court in the Northern Securities, Standard Oil, Tobacco Trust, Powder Trust, National Packing, Lottery, Coast Line and Commodities Clause Cases, and reviews the interpretation of such well known legislation as the Sherman Anti-Trust Law of 1890, and the Interstate Commerce Law of 1887 with its various amendments, particularly the Elkins Law of 1903, the Hepburn Act of 1906 and the Mann-Elkins Law of 1910. This little book can be read with profit by any one who is or wants to be interested in some of the leading questions now before the American people, and is of special value to students of constitutional law. It is warmly commended to the citizen and legislator.

W. G. S.

A TREATISE ON ATTORNEYS AT LAW. Edward M. Thornton. Two volumes, pp. cclxxx and 1499. Edward Thompson Company, Northport, L. I., 1914.

This work is one which will be of great practical assistance to the lawyer. Thoroughness is its characteristic and the author has spared no effort to include every branch of the law dealing with attorneys. The subject is dealt